

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:18-CV-76-BO

TONY KHALID BEY, ex relatione, a/k/a)
Tony A. Walker, Jr.,)
)
Plaintiff,)
)
v.)
)
ROBERT STRICKLAND, et al.,)
)
Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert B. Jones, Jr. [DE 10]. For the following reasons, the Court adopts the M&R and DISMISSES plaintiff's complaint.

BACKGROUND

Plaintiff brings claims in connection with the "unlawful conversion of [his] estate." [DE 8, p. 2]. Relying on a long list of exhibits, plaintiff effectively argues that as a "Moorish National," he is not required to make his mortgage payments. Plaintiff applied to proceed *in forma pauperis* under 28 U.S.C. § 1915. On June 18, 2018, Magistrate Judge Jones entered the instant memorandum and recommendation (M&R), recommending that plaintiff's application to proceed *in forma pauperis* be denied and his complaint dismissed for failure to state a claim upon which relief can be granted.

DISCUSSION

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). "[I]n the absence of a timely filed objection, a district court need

not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Despite plaintiff’s awareness of his obligation to file written objections to the M&R, plaintiff made only a generalized objection to dismissal, attaching a copy of an acceleration warning he received after missing payments on his mortgage and requesting a stay of proceedings. [DE 11]. The court need not conduct a *de novo* review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *Wells v. Shriners Hosp.*, 109 F.3d 198, 200–01 (4th Cir. 1997). “Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party’s objection to a magistrate judge’s report be specific and particularized, as the statute directs the district court to review only those portions of the report or specified proposed findings or recommendations to which objection is made.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). Having carefully considered the M&R and record, the Court is satisfied that there is no plain error and accepts the Magistrate Judge’s recommendation that the matter be dismissed.

CONCLUSION

For the above reasons, the memorandum and recommendation of Magistrate Judge Jones [DE 10] is ADOPTED. Plaintiff's application to proceed *in forma pauperis* is DENIED and his complaint is DISMISSED under 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED, this 26 day of November, 2018.



TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE